

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GREAT NORTHERN INSURANCE
COMPANY,

Plaintiff,

v.

EL LEGADO PROPERTY MANAGEMENT
COMPANY, INC., EL LEGADO DE CHI
CHI RODRIGUEZ GOLF RESORT, INC.,
EL LEGADO DE CHI CHI RODRIGUEZ
GOLF RESORT, (SC) SE
and EL LEGADO HOMEOWNER'S
ASSOCIATION, INC. and EL LEGADO
CONDOMINIUM, REGIME I

Defendants.

CIVIL NO.: 3:11-cv-01303

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiff, Great Northern Insurance Company respectfully requests that the Court enter a default judgment against Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE for the reasons set forth in this motion and, in support thereof, states the following:

1. On March 30, 2011, Plaintiff filed a Summons and Complaint against Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE.
2. On August 24, 2011, an executed Summons and a copy of the Complaint was served upon Defendant El Legado Property Management Company, Inc.

3. The deadline for Defendant El Legado Property Management Company, Inc. to answer or otherwise respond to the Complaint has passed.

4. On August 10, 2011, an executed Summons and a copy of the Complaint was served upon Defendant El Legado De Chi Chi Rodriguez Golf Resort, Inc.

5. The deadline for Defendant El Legado De Chi Chi Rodriguez Golf Resort, Inc. to answer or otherwise respond to the Complaint has passed.

6. On May 28, 2011, an executed Summons and a copy of the Complaint was served upon Defendant El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE.

7. The deadline for Defendant El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE to answer or otherwise respond to the Complaint has passed.

8. To date, Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE have not filed an answer or other responsive pleading, nor have Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE taken any other action or filed any other document that indicates Defendants' intent to defend this action.

10. Upon information and belief, Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE are not minors or incompetent persons.

11. Upon information and belief, Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE are not currently in military service.

12. Accordingly, Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE are in default.

13. On October 24, 2011, Plaintiff filed a request for entry of default against Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE..

14. On October 25, 2011, the Clerk of this Court entered a default against Defendants El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE.

15. As of the date of this Motion, Defendant El Legado Property Management Company, Inc., El Legado De Chi Chi Rodriguez Golf Resort, Inc. and El Legado De Chi Chi Rodriguez Golf Resort, (SC) SE have not appeared, filed an appearance, filed an answer, filed a motion to dismiss or any other motion, or taken any other action whether by pleading or otherwise indicating an intent to defend this action.

16. Although Real Legacy Assurance Company, Inc. has entered an appearance and filed a Motion for an Extension of Time to Answer the Complaint, which is presumably based on coverage for one of the defaulted defendants, Real Legacy has not yet produced the insurance policy or confirmed coverage. Plaintiff is also simultaneously filing a Motion for Leave to Amend the Complain to formally name Real Legacy as a defendant along with this motion. In order to comply with the Court's order of January 11, 2012 directing the parties to resolve the insurance issue by January 18, 2012, Plaintiff is filing this motion for a default judgment.

16. The judgment amount in this action is for a sum certain and, therefore, Plaintiff does not believe that a hearing is necessary to determine Plaintiff's damages.

17. Plaintiff seeks damages in the amount of \$403,008.00, which represents Plaintiff's payments to its insureds as a result of the loss and Robbery and the basis for Plaintiff's subrogation action. A copy of the Sworn Statement in Proof of Loss, payment screen and Subrogation Receipt for the insurance claim is attached hereto as Exhibit "A."

WHEREFORE, Plaintiff respectfully requests that the Court enter a default judgment against Defendants pursuant to Fed. R. Civ. P. 55(b).

RESPECTFULLY SUBMITTED

In San Juan, January 18, 2012.

CORREA-ACEVEDO PSC
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of **Plaintiffs' Motion for Default Judgment** was served upon counsel of record using the Court's ECF System and the following defendants via U.S. Mail on this 18th day of January, 2011.

EL LEGADO PROPERTY MANAGEMENT COMPANY, INC.
Carr 173 Villodas, Cimarrona
Guayama, PR 00785

EL LEGADO DE CHI CHI RODRIGUEZ GOLF RESORT, INC.
P.O. Box 2880
Guayama, Puerto Rico 00785

EL LEGADO DE CHI CHI RODRIGUEZ GOLF RESORT, (SC) SE
713 km 2.5, Cimarrona
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